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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10 LINNIELL PHIPPS,

11                   Plaintiff,

12                   v.

13 ELDON VAIL, et al.,

14                   Defendants.

CASE NO. C11-5093 BHS/JRC

ORDER GRANTING APPLICATION TO  
PROCEED IN FORMA PAUPERIS AND  
DIRECTING INSTITUTION TO  
CALCULATE, COLLECT, AND  
FORWARD PAYMENTS

15                   The Court, having reviewed plaintiff's application to proceed in forma pauperis does  
16 hereby find and ORDER.

17                   (1) Plaintiff's declaration indicates he is unable to afford the court's filing fee or give  
18 security therefore. Accordingly, plaintiff's application to proceed as a pauper is **GRANTED**.  
19                   **As set forth below, an initial partial filing fee will be collected, and plaintiff is required to**  
20                   **make monthly payments of 20 percent of the preceding months income credited to his/her**  
21                   **account until the full amount of the filing fee is satisfied.**

22                   (2) Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed in  
23                   forma pauperis, the agency having custody of the above named plaintiff is directed to calculate  
24                   an initial partial filing fee equal to 20 percent of the greater of -- the average monthly deposits to  
25                   the prisoner's account or the average monthly balance in the prisoner's account for the 6-month  
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1 period immediately preceding the date of this Order. The initial partial filing fee should be  
2 forwarded to the court clerk as soon as practicable.

3 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is  
4 directed to collect and forward payments equal to 20 percent of the prisoner's preceding month's  
5 income credited to the prisoner's account. In the event that the monthly payment would reduce  
6 the prisoner's account below \$10.00, the agency should collect and forward only that amount  
7 which would reduce the prisoner's account to the \$10.00 level. Please note that this \$10.00 limit  
8 does not apply to the initial partial filing fee described above. Finally, the monthly payments  
9 should be collected and forwarded to the court until the entire filing fee (\$350.00) for this matter  
10 has been paid.

12 (3) The Clerk is directed to send plaintiff a copy of this Order and the General Order,  
13 and a copy of this Order along with a copy of plaintiff's Acknowledgment and Authorization  
14 portion of the IFP application to the Prison Litigation Reform Act ("PLRA") contact person, the  
15 inmate account manager at the Washington Department of Corrections.

17 DATED this 14th day of February, 2011.

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21 J. Richard Creatura  
22 United States Magistrate Judge  
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